



PATENT  
Atty. Docket No. OPT-003  
(20001.004)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Farrar et al.

CONFIRMATION NO.: 9036

SERIAL NO.: 09/155,708

GROUP NO.: 1635

FILING DATE: April 2, 1998

EXAMINER: Janet L. Epps-Ford, Ph.D.

TITLE: *Genetic Suppression and Replacement*

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO OFFICE ACTION**

This paper is responsive to the Office Action mailed from the U.S. Patent and Trademark Office on October 20, 2004. Applicants believe that no fees are due. However, should Applicants be in error, the Commissioner is hereby authorized to charge any such fees to Deposit Account No. 50-3211.

**Amendments to the Claims** are reflected in the list of claims that appear on page 2 of this paper.

**Remarks/Arguments** begin on page 10 of this paper.

(B0341499)

02/02/2005 KDOWNING 09000003 503211 09155708  
01 FC:2201 88.00 DA  
02 FC:2202 387.00 DA

Application Serial No. 09/155,708  
Amendment and Response dated December 2, 2004  
Reply to Office Action dated October 20, 2004  
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The Examiner rejected claims 46-49, and 65-67 under 35 U.S.C. §112, first paragraph, contending that the claims encompass both deoxyribonucleotides and ribonucleotides. Applicants traverse the rejection to the extent it is maintained over the claims as amended.

Not in acquiescence of the rejection but in order to expedite allowance of the claims, Applicants have amended the claims to recite "ribonucleotide" rather than "nucleotide".

Applicants respectfully request that the rejection be reconsidered and withdrawn.

#### Double Patenting

The Examiner provisionally rejected claims 12-13, 16-21, 25-27, 32-37, 41-52, and 54-77 under the judicially created doctrine of obviousness-type double patenting over claims 1-23 of co-pending U.S. Serial No. 10/651,754.

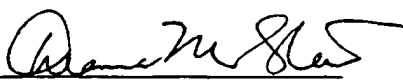
Applicants respectfully request that the provisional rejection be held in abeyance until either the instant Application or U.S. Serial No. 10/651,754 issues.

#### CONCLUSION

Applicants respectfully urge that all claims are in condition for allowance and request prompt and favorable action on the instant application. If the Examiner believes that a telephonic interview with the undersigned would expedite prosecution of this application, the Examiner is cordially invited to call the undersigned at (617) 338-2952.

Respectfully submitted,

Date: December 2, 2004  
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